10.2 The U.S. House of Representatives

When the Founding Fathers created the Constitution, they divided the powers among the **Congress** (legislative branch), the president (executive branch), and the courts (judicial branch). The United States Congress is a bicameral legislature consisting of the **House of Representatives** and the **Senate**. It is the chief policy-making and representative branch of the national government. Since the United States is a representative democracy, members of Congress represent the people by translating public will into public policy in the form of laws.

**Apportionment** dictates the number of representatives each state sends to the House, and the distribution is based on the population of each individual state. Each state is guaranteed at least one out of the 435 representatives that are seated in the House. Members represent a district within their state. According to a Constitutional requirement, the Census Bureau measures the population every ten years, and the state’s population determines the number of districts in the state. To keep the number of representatives manageable, the number of seats remains 435, as does the number of districts in the country. In order to maintain this number, some states lose seats and other states gain seats in the House following the decennial census.

**Reapportionment**, or redistribution of seats in the House every ten years, is based on a state’s overall population in proportion to other states. For example, although the population of Kansas grew in the 1980s, the state lost a proportional number of the overall population following the census in 1990. Therefore, the state lost a district and went from five to four representatives. The Reapportionment Act of 1929 established this law. Once the number of districts in a state is determined, it is the state legislature’s responsibility to determine the boundaries of their districts. *Baker v. Carr* (1962) upheld the concept of “one person, one vote” that allows the courts to reapportion election districts across the nation.

States are not allowed to **gerrymander**, or create unusually shaped districts, for political purposes. The term “gerrymander” came from “gerry,” the Massachusetts politician, Elbridge Gerry, who attempted to redistrict Massachusetts in 1812 in order to favor Democratic-Republicans, and “mander,” from the odd way the districts began to take the shape of a salamander. At times, the federal government has encouraged "benign gerrymandering" that is designed to increase minority representation in Congress.

The demographics of the body of the House of Representatives do not match the demographics of the American public. Although members come from various career backgrounds, many of them are lawyers or hold elite business or academic positions. Members also tend to be wealthier than their constituents. Caucasians have a disproportionate membership in the House over minorities including African Americans, Hispanics, and Asians, as well as women. Although this representation is unbalanced, it works because Congressional representation is substantive rather than descriptive. In other words, although House members may not look like their constituents, they represent the interests of the people in their districts.

Members of the House must be at least 25 years old, they must be a resident of the state they represent, and they must have been a U.S. citizen for at least seven years. Although there are no constitutional limits on how many terms a representative may serve, states hold elections for members of the House every two years. This frequent voting keeps state representatives in close contact with their constituents and forces them to constantly campaign in their home districts. It also requires representatives to pay close attention to the House votes they cast on matters that are salient to their constituents. In short, frequent elections make the members more accountable to the people they represent.

The hierarchical organization of the House allows both Democrats and Republicans to give chosen leaders, such as the Speaker of the House and the majority and minority leaders, the power to influence members of their parties. The leader of the House of Representatives is the **Speaker of the House**. The party that holds the most seats in the House, the majority party, elects this leader. The Speaker is second in line for the presidency after the vice president. The Speaker presides over the House when it is in session and controls many aspects of the House’s daily workings; as a result, the Speaker gains a great deal of power. Bill committee assignments, scheduling, committee membership assignments, and party leadership selections give the Speaker a wide range of power. Some Speakers, like Thomas B. Reed in the late 1800s and Joe Cannon in the early 1900s, wielded their authority by changing House rules, limiting debates, and increasing power of certain committees in order to increase their own power. Over time, changes in House procedural rules have limited the power of the Speaker, but charismatic leaders, such as Newt Gingrich in the 1990s, can still influence the House dramatically.

The majority and minority leaders of the House are second in power. These figures lead each party’s delegation. The **majority leader** works closely with the Speaker, his partisan ally. The **minority leader** serves as floor leader of the minority party. The majority and minority leaders are assisted on the floor and in party caucuses by the majority and minority **whips**. Both the majority and minority leaders work with each party’s whips to see that members vote with the party on key issues.

Committee Chairpersons are also powerful in the House. Some committees are more vital and thus give more power to the chairs. The Rules Committee, the Ways and Means Committee, and the Appropriations Committee are “power” committees with highly coveted chairmanships.

All members of the House hold the common power to make key decisions about important public policies. According to the Constitution, members of the House must initiate all revenue bills and pass all articles of impeachment.

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**10.3 The U.S. Senate**

**Congress** is made up of two legislative houses—the House of Representatives and the **Senate**. One hundred senators, two from each state, serve and represent their constituencies in the Senate. The Senate differs from the House of Representatives in several ways. First, the Senate has less than one-fourth the number of seats as the House, which has 435 members. Senators represent a larger base of constituents than House members do; two senators represent their entire state as representatives at-large, whereas House members represent a single district within their state. Senators must be at least 30 years of age, they must be a resident of the state they represent, and they must have been a citizen of the United States for at least nine years. In an effort to maintain continuity in the Senate, only one-third of the senators stand for re-election at one time. With the high rate of incumbent retention, the Senate membership tends to change much slower than the membership of the House of Representatives.

An interesting relationship exists between the two houses of the legislature. In the early years of the new government under the Constitution, the Senate perceived itself as superior to the House of Representatives. The British system of an upper house (House of Lords) and a lower house (House of Commons) served to reinforce this perception. In fact, the Senate even snubbed President Washington when he attempted to use them as an advisory board. When Washington approached the Senate to advise him on a recently negotiated Indian treaty, the Senate deferred the issue to a committee, despite Washington’s hope that they could discuss the issue immediately.

The House of Representatives, which considers itself a workhorse, has often viewed the Senate as snobbish and inefficient. The House was designed to directly represent the will of the people and was therefore chosen by popular election. Conversely, senators, who were chosen by state legislatures, were expected to represent the will and interests of those in power in a given state. Since the system for electing senators eventually became corrupt, the **Seventeenth Amendment** was added to the Constitution in 1913, stating that senators shall be elected by the people through popular election.

The characteristics shared by members of Congress tend to be more uniform than the constituents they represent. Like House members, senators tend to be male, white, wealthy, and have a law or business career background. Since the characteristics of members of Congress do not match the demographics of the American people, congressional representation is described as substantive rather than descriptive representation. Instead of sharing the interests of their constituency because of common background, culture, or concerns, congressmen stand for their constituents by representing their interests. A good example would be Senator Ted Kennedy from Massachusetts. Senator Kennedy is white, wealthy, well educated, and clearly a member of the “Eastern Elite.” However, his long-term record in the Senate is one of representing the poor, undereducated, and unemployed.

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Ch11 Powers and Committees of Congress

Power in the Senate is not as clearly defined as it is in the House, and it is much more widely dispersed. Although the Constitution makes the vice president of the United States the president of the Senate, the real power is held by the **majority and minority leaders** who dictate legislative agenda. The party **whips** are the senators who ensure good communication among party members and work with the party leaders to urge members to vote with the party on key issues. Due to their key role, the whips retain a great deal of power, as well. As in the House, committee and sub-committee chairpersons also command significant power.

The Constitution delegates specific powers to the Senate. The power of confirmation gives the Senate particular authority and influence over the president and the executive department. The Senate has the power to confirm the most important presidential appointments, including major heads of bureaucratic agencies, federal judges (including Supreme Court Justices), and top advisors in the executive office. Senate hearings usually precede confirmations in the appropriate committee. When a candidate has made it through committee approval, a simple Senate majority is required to confirm the appointment. The Senate also has the right to confirm treaties and try impeached officials. A two-thirds vote is required for a treaty confirmation or to convict an impeached official.

The Senate is different from the House in how it conducts business and determines legislation. Historically, the Senate has held itself out to be a contemplative body that is willing to spend more time discussing legislation. Unlike the House, the Senate has open and unrestricted debate on bills. In fact, one unique strategy used by senators to block legislation is the **filibuster**. A filibuster occurs when opponents of a proposed piece of legislation debate the topic as long as possible to prevent the Senate from voting on the bill. By refusing to sit down, a senator, or group of senators, can literally “talk a bill to death.” Unwilling to yield the floor, the senators can force a motion that will end proceedings on the bill. The longest filibuster was over 24 hours long and was carried out by South Carolina Senator Strom Thurmond during a debate on a civil rights bill in the 1950s. The filibuster failed, and the bill was made law in spite of Senator Thurmond’s efforts.

Despite its power, the filibuster can be deterred. A motion for **cloture**, or a vote to limit debate and end a filibuster, can be entertained in the Senate. Senators voting on cloture usually vote along strict partisan lines, and as it requires a three-fifths majority (or 60 votes) to pass, parties that call for cloture seldom succeed. The filibuster was once an extraordinary tactic that senators used sparingly and seldom. Many have sought to change the rules to make filibustering difficult to enact.

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